1 2 3 4 5	Mark F. Anderson (SBN 44787) Kan Tung Donohoe (SBN 197785) 445 Bush Street, Sixth Floor San Francisco, CA 94108 Telephone: (415) 861-2265 Fax: (415) 861-3151	JILVIE, LLP	
6	Attorneys for Plaintiff Mark R Ciabattari and a others similarly situated	11	
8	UNITED STATES	S DISTRICT COURT	
9	NORTHERN DISTRICT OF CALIFORNIA		
10	Mark R Ciabattari, and all other persons similarly situated,) Case No. C-05-04289 SC	
11	Plaintiffs,	Second Stipulation Continuing Plaintiff'sMotion to Remand this Action to the Superior	
12	vs.	 Court, Defendant Toyota Motor Sales, U.S.A., Inc.'s Motion to Dismiss, and Defendant Goodyear Dunlop Tires North America, Ltd's 	
13 14	Toyota Motor Sales, U.S.A., Inc., a California corporation, et al,	Motion to Dismiss or, Alternatively, to StrikePortions of the Plaintiff's Complaint and	
15	Defendants.) (proposed) Order)	
16)))	
17))	
18	Whereas, plaintiff has pending a motion	n to remand this action to the Superior Court;	
19 20	Whereas, defendant Toyota Motor Sales	s, U.S.A., Inc. has pending a motion to dismiss	
21	this action;		
22	Whereas, defendant Goodyear Dunlop T	Tires North America, Ltd. has pending a motion to	
23	dismiss or, alternatively, to strike portions of th	ne plaintiff's complaint;	
24	Whereas, memoranda in opposition to e	each of these motions has been filed;	
25	Whereas, there has been one previous st	tipulation to continue the hearing date for these	
26 27	motions;		
28	Whereas, each of these motions is curre	ently set to be heard on February 24, 2006;	

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Whereas, currently the last day to meet and confer re initial disclosures, early settlement, ADR process selection and discovery plan and to file Joint ADR Certification with Stipulation to ADR process or Notice of Need for ADR Phone Conference is February 6, 2006;

Whereas, the last day to complete initial disclosures or state objection to Rule 26(f)
Report, file/serve Case Management Statement, and file/serve Rule 26(f) Report is February 21,
2006;

Whereas, the Case Management Conference is currently set for March 10, 2006; and Whereas, the parties will be exploring early resolution of this matter and have scheduled an in-person meeting for that purpose on March 6, 2006;

IT IS HEREBY STIPULATED, by and between counsel, that the pending motions may be continued to Friday, April 7, 2006, at 10:00 AM, and that the parties' respective reply memoranda shall filed and served 14 days before the hearing date.

IT IS FURTHER STIPULATED that the last day to meet and confer re initial disclosures, early settlement, ADR process selection, and discovery plan shall be April 14, 2006; the last day to file Joint ADR Certification with Stipulation to ADR process or Notice of Need for ADR Phone Conference shall be April 14, 2006;

IT IS FURTHER STIPULATED that the last day to complete initial disclosures or state objection to Rule 26(f) Report, file/serve Case Management Statement, and file/serve Rule 26(f) Report shall be April 28, 2006; and

IT IS FURTHER STIPULATED that the Case Management Conference shall be held on a date convenient to the Court sometime after April 28, 2006.

Dated: January 24, 2006. KEMNITZER, ANDERSON, BARRON & OGILVIE LLP

By /s/ Mark F Anderson
Mark F Anderson
Attorney for Plaintiff & the Class

1	Dated: January, 2006.		
2 3	WILSON, ELSER, MOSKOWITZ, EDELMAN, & DICKER LLP		
4			
5	By <u>/s/ Christine Starkie</u> Christine Starkie		
6	Attorney for Defendant Goodyear Dunlop Tires North America, Ltd.		
7	Dated: January, 2006.		
8	O'MELVENY & MYERS LLP		
9			
10	By <u>/s/ Thomas M Riordan</u> Thomas M Riordan		
12			
13	Order Continuing Motions & Resetting Case Schedule		
14	Based upon the parties' stipulation and for good cause shown, the hearing on the		
15	motions referenced above shall be continued to Friday, April 7, 2006, at 10:00 AM; the last date		
16	to meet and confer re initial disclosures, early settlement, ADR process selection, and discovery		
17	plan shall be April 14, 2006; the last day to file Joint ADR Certification with Stipulation to ADR		
18	process or Notice of Need for ADR Phone Conference shall be April 14, 2006; the last day to		
19	complete initial disclosures or state objection to Rule 26(f) Report, file/serve Case Management		
20 21	Statement, and file/serve Rule 26(f) Report shall be April 28, 2006; and the Case Management		
22	Conference shall be held on _May, _12_ 2006.		
23	Dated: January 25, 2006.		
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25	United States Distri		
26	THEN DISTRICT OF CO		
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